UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.96
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Angola, Austria, Belgium*, Canada, Cape Verde, Denmark, France, Finland*, Germany*, Greece*, Iceland*, Ireland, Italy, Luxembourg*, Mozambique, Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Situation of human rights in East Timor

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes

(a) The report of the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

4. Decides

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.97
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Austria, Belgium*, Bulgaria, Canada, Cyprus*, Czech Republic, Denmark, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Latvia*, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Poland*, Portugal*, Romania*, Slovakia*, Spain*, Sweden*, Switzerland*, and United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming, that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the international Covenants on human rights and other applicable human rights instruments,

Mindful that Myanmar is a party to the Convention on the Rights of the Child and the Geneva Conventions of 1949 on the protection of victims of war,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/117 of 12 December 1996 and Commission on Human Rights resolution 1996/80 of 23 April 1996,

1. Welcomes

(a) The report by the Special Rapporteur (E/CN.4/1997/64);

(b) The report of the Secretary-General on his discussions with the Government of Myanmar (E/CN.4/1997/129);

(c) The continuing cooperation by the Government of Myanmar with the Office of the United Nations High Commissioner for Refugees for the voluntary repatriation and reintegration of returnees from Bangladesh;

(d) The scheduled visit of a special envoy of the Secretary-General to Myanmar from 7 to 10 May 1997, in the discharge of the good offices functions of the Secretary-General, for discussions with the Government and other political leaders of Myanmar as he may consider appropriate, in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

2. Expresses its deep concern

(a) At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, death in custody, torture, arbitrary and politically motivated arrest and detention, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedoms of opinion, expression, movement, assembly and association, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents and oppression of ethnic and religious minorities;

(b) At the absence of significant steps towards the establishment of democratic government after the democratic elections of 1990, while noting that according to the Special Rapporteur, the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar;

(c) That the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur;

(d) That most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National

Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who were unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

(e) At the restrictions placed upon Daw Aung San Suu Kyi and other political leaders, at harassment, detention and forced resignations of elected representatives, at the recent attack against Daw Aung San Suu Kyi and other members of the National League for Democracy and at the mass arbitrary arrest of and the harsh sentences imposed on members of the National League for Democracy and other supporters of democratic groups in Myanmar, including persons peacefully exercising their right to freedom of expression during the recent student demonstrations;

(f) At the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and at the recent attacks on members of the Karen ethnic group, resulting in death, destruction and displacement;

(g) At violations of the rights of children in contravention of the Convention on the Rights of the Child, in particular by the lack of conformity of the existing legal framework with this Convention, by systematic recruitment of children into forced labour, and by discrimination against children belonging to ethnic and religious minority groups;

3. Calls upon the Government of Myanmar

(a) To guarantee an end to violations of the right to life and integrity of the human being, to ensure full respect for human rights and fundamental freedoms, including freedom of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to urgently improve conditions of detention;

(b) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage at the earliest

possible date in a substantive political dialogue with the leaders of political parties returned at the elections of 1990, including Daw Aung San Suu Kyi, and with leaders of ethnic groups, as the best means of promoting national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(c) To cooperate fully with the relevant mechanisms of the Commission, in particular the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate, and to cooperate with the Secretary-General or his representatives, including through access to any person deemed appropriate by the Secretary-General or the Special Rapporteur;

(d) To ensure the safety of all political leaders, including Daw Aung San Suu Kyi, and to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(e) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to other human rights instruments;

(f) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services as may be offered by impartial humanitarian bodies;

(g) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization, and to cooperate more closely with the International Labour

Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

(h) To create the necessary conditions to remove the causes of displacement and of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

(i) To fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

(j) To investigate the circumstances which led to the death in June 1996 of Mr. James Leander Nichols while detained by the Government of Myanmar, and to prosecute any person who could be held responsible;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Secretary-General to continue his discussions with the Government of Myanmar and anyone in Myanmar he may consider appropriate in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

(d) To continue the examination of the situation of human rights in Myanmar during its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

UNITED
NATIONS

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.98
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 24

INDIGENOUS ISSUES

Bolivia*, Cameroon*, Cyprus*, Ethiopia, Georgia*, Greece*, Pakist and Russian Federation: proposed amendment to draft decision 11 the Sub-Commission on Prevention of Discrimination of Minorities "Study on indigenous land rights"

Replace the text of the draft decision by:

"The Commission on Human Rights, taking note of resolution 1996/3 of 29 August 1996 of the Sub-Commission on Prevention of Discrimi and Protection of Minorities, approves the appointment of Mrs. Erica-Irene Daes as Special Rapporteur to prepare, from withi existing resources, a working paper on indigenous people and thei relationship to land with a view to suggesting practical measures address ongoing problems in this regard. The Commission requests Special Rapporteur: (a) to submit a preliminary working paper to Working Group on Indigenous Populations at its fifteenth session a the Sub-Commission at its forty-ninth session; (b) to transmit the working paper to Governments and indigenous organizations for thei views which the Special Rapporteur should take into account inter in preparing her final working paper; (c) to submit her final work

* In accordance with rule 69, paragraph 3, of the rules of proced the functional commissions of the Economic and Social Council.

paper to the Working Group at its sixteenth session and to the Sub-Commission at its fiftieth session. The Commission requests the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her working paper, and recommends the following draft decision to the Economic and Social Council for adoption:

> 'The Economic and Social Council, taking note of Commission on Human Rights decision 1997/... of ... April 1997, endorses the appointment of Ms. Erica-Irene Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary, from within existing resources, to enable her to complete her work.'"

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.99
11 April 1997

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Cuba: proposed amendment to draft resolution E/CN.4/1997/L.79

Add the following text as a new final preambular paragraph:

"Bearing in mind that the determination of criteria to establish the respective competence and jurisdiction of the national courts in each country, as well as the specific provisions of national legislation corresponding to the international legal obligations entered into by each State, is a matter pertaining to the domestic sphere of State sovereignty,".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.100
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 22

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Argentina, Bolivia*, Brazil, Cape Verde, Chile, Dominican Republic, Ecuador, El Salvador, Honduras*, Mexico*, Peru*, Slovenia* and Uruguay: draft resolution

1997/... Report of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling its resolution 1996/78 of 23 April 1996 in which it requested the High Commissioner for Human Rights to continue to report to the Commission about the measures taken and the progress made in the implementation of the Vienna Declaration and Programme of Action,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting the decisive and important role played by the United Nations High Commissioner for Human Rights, in accordance with General Assembly resolution 48/141, in order to remove the obstacles and meet the challenges in the promotion of all human rights and in preventing persistent violations of human rights around the world, as reflected in the Vienna Declaration and Programme of Action,

Having examined the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1),

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights, entitled "Building a partnership for human rights";

2. Thanks the High Commissioner for Human Rights for his efforts in strengthening the United Nations activities in the field of human rights, in spite of the prevailing financial constraints;

3. Recognizes the efforts of the High Commissioner in enhancing the Office and in endowing the Centre for Human Rights with an adequate administrative structure, which allows it to put into practice the promotion and protection of all human rights and fundamental freedoms;

4. Recognizes the importance of continuing to support the Office of the High Commissioner/Centre for Human Rights in its activities, taking into account that the duplication of its functions must be avoided because these entities constitute an integral part of the United Nations for the promotion and protection of all human rights;

5. Expresses its satisfaction at the constructive manner in which the United Nations High Commissioner for Human Rights has carried out his functions;

6. Decides to continue the consideration of this question at its fifty-fourth session under the same agenda item.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.101
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 20

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia*, Austria, Belgium*, Bulgaria, Canada, Chile, Czech Republic, Denmark, Finland*, France, Germany, Hungary, Iceland*, Ireland, Italy, Latvia*, Liechtenstein*, Madagascar, Netherlands, Norway*, Poland*, Portugal*, Romania*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, Tunisia, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1997/... Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its subsequent resolutions, in particular resolution 1996/81 of 23 April 1996, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completing and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all interested States and intergovernmental and non-governmental organizations before finalizing the draft declaration,

Conscious also of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Takes note of the report of the working group (E/CN.4/1997/92);

2. Urges the working group, without prejudice to the importance of working towards consensus, to complete its task promptly and submit the draft declaration to the Commission at its fifty-fourth session;

3. Decides to continue its work with a view to adopting the draft declaration at its fifty-fourth session;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-fourth session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption;

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/... of ... 1997,

1. Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings."

UNITED
NATIONS

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.102
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 21

RIGHTS OF THE CHILD

Argentina, Australia*, Austria, Bangladesh, Belgium*, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica*, Cuba, Cyprus*, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Guatemala*, Iceland*, Ireland, Israel*, Italy, Liechtenstein*, Luxembourg*, Mexico, Netherlands, Nicaragua, Norway*, Paraguay*, Peru*, Poland*, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela* and Zambia: draft resolution

1997/... Rights of the Child

The Commission on Human Rights,

Recalling its resolution 1996/85 of 24 April 1996 and General Assemb resolutions 51/76 and 51/77 of 12 December 1996 and the Declaration and Pl of Action adopted by the World Summit for Children in 1990 and reaffirming Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should strengthened, including through effective measures to combat exploitation a

* In accordance with rule 69, paragraph 3, of the rules of procedure the functional commissions of the Economic and Social Council.

abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography as well as other forms of sexual abuse,

Taking note of the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The United Nations Children's Fund;

(c) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(d) The expert approved by the Secretary-General to undertake a study on the impact of armed conflict on children;

(e) The working groups on draft optional protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict, and one relating to the sale of children, child prostitution and child pornography;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child;

and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of and accession by States to the Convention on the Rights of the Child, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

2. Calls upon States parties:

(a) To implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts;

(d) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in

accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of girls, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation and protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

III

Prevention and eradication of the sale of children, and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1-2);

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its third session (E/CN.4/1997/97);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) The adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (see A/51/385);

7. Calls upon all States:

(a) To urgently develop, implement and enforce measures to eliminate the sale of children and their sexual exploitation, inter alia through child sex tourism and other forms of child prostitution and child pornography, including measures in line with the Vienna Declaration and Programme of Action and with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text;

(c) To criminalize effectively commercial and all other forms of sexual exploitation of children, while ensuring that child victims are not penalized for such practices, and to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to combating the

existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate child victims of trafficking and all forms of sexual exploitation and abuse, and to promote their physical and psychological recovery and social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her for country visits;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The final report of the expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1), takes notes with appreciation of the recommendations included therein, and requests the Secretary-General to ensure its wide dissemination;

(b) The recommendation by the General Assembly to the Secretary-General to appoint a special representative on the impact of armed conflict on children and to ensure the necessary support to the prospective special representative;

(c) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on its third session (E/CN.4/1997/96)

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiation on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict with the aim of an early agreement on the text;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and

the plight of child victims, and welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization as well as the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of land-mines and all other weapons, and victims of gender-based violence, inter alia, through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies to ensure access of humanitarian aid and assistance to children affected by armed conflicts;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to protect women and children from gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in conflict situations should emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, including in the areas of health and nutrition, education and social reintegration, in developing emergency and other humanitarian assistance policies and programmes and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:

(a) To request the Secretary-General to transmit the report of the working group on this draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the prospective special representative on the impact of armed conflict on children and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the prospective special representative to consider being present at the next session of the working group on a draft optional protocol on the involvement of children in armed conflict;

(b) To request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission in order to finalize the draft optional protocol;

(c) To request the Secretary-General, in cooperation with Member States, international organizations and relevant non-governmental organizations to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

15. Decides, with regard to the prospective special representative of the Secretary-General on the impact of armed conflict on children, to invite

Member States, United Nations organs and bodies, the International Committee of the Red Cross as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the special representative, including his/her annual report;

V

Refugee and internally displaced children

16. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross;

(b) United Nations bodies and other agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

(c) And other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, stresses the special vulnerability of child-headed households and calls upon Governments and United Nations bodies to give these situations urgent attention and to enhance protection and assistance mechanisms;

(d) To involve women and youth in the design, delivery and monitoring of measures to protect them against sexual violence and recruitment of children into armed forces;

VI

Elimination of the exploitation of child labour

17. Welcomes:

(a) Recent studies and reports by the United Nations Children's Fund and the International Labour Organization;

(b) The measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of

the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(c) The governmental initiatives to convene international conferences on various forms of child labour, such as the ones held in Amsterdam, the Netherlands, in February 1997 and in Arusha, United Republic of Tanzania, in March 1997 and the ones to be convened in Cartagena, Colombia, in May 1997 and in Oslo in October 1997;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

18. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(b) To take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure their effective enforcement and to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education, or harmful to the child's health or development;

(c) In line with international commitments made at the World Summit for Social Development and other relevant United Nations conferences, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full

enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

(d) To translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, starting with its most intolerable forms, and to implement, inter alia, national action plans, the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session in 1996 and other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

(e) To support the proposed drafting by the International Labour Organization of an instrument aimed at eradicating the most intolerable forms of child labour;

(f) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

(g) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, including attention to specific dangers faced by girls;

(h) To strengthen international cooperation, inter alia, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

19. Decides to request the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77, to cooperate closely with relevant actors and United Nations specialized agencies, in particular the

International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating the exploitation of child labour and to recommend ways and means to improve cooperation at the national and international levels in this field;

VII

The plight of street children

20. Calls upon:

(a) All States, while expressing grave concern at the growing number of incidents worldwide and at reports of children working or living on the street being involved in and affected by serious crime, drug abuse, violence and prostitution, to continue actively to seek comprehensive solutions to the problems of children on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

(b) All States to ensure the reintegration of street children into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect, and encourages States to take the situation of street children fully into account in preparing their reports to the Committee on the Rights of the Child;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted at the United Nations Conference on Human Settlements, held in Istanbul in June 1996;

VIII

21. Decides:

(a) To request the Secretary-General to follow up the recommendation by the General Assembly to appoint for a period of three years a special representative on the impact of armed conflict on children;

(b) Also to request the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention on the Rights of the Child;

(c) To continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Rights of the child".

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.102/Rev.1
16 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 21

RIGHTS OF THE CHILD

Argentina, Australia*, Austria, Bangladesh, Belgium*, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica*, Cuba, Cyprus*, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Guatemala*, Iceland*, Ireland, Israel*, Italy, Liechtenstein*, Luxembourg*, Mexico, Netherlands, Nicaragua, Norway*, Paraguay*, Peru*, Poland*, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela* and Zambia: draft resolution

1997/... Rights of the child

The Commission on Human Rights,

Recalling its resolution 1996/85 of 24 April 1996 and General Assembly resolutions 51/76 and 51/77 of 12 December 1996 and the Declaration and Plan of Action adopted by the World Summit for Children in 1990 and reaffirming the Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities,

Taking note of the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The United Nations Children's Fund;

(c) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(d) The expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children;

(e) The working groups on draft optional protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict, and one relating to the sale of children, child prostitution and child pornography;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child, and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of and accession by States to the Convention on the Rights of the Child, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

2. Calls upon States parties:

(a) To implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts;

(d) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in

accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) To encourage the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances, including children with disabilities, and welcomes its decision to devote its next General Discussion to the rights of disabled children;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of girls, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical

practices, *inter alia* by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

III

Prevention and eradication of the sale of children, and of their sexual exploitation and abuse, including child prostitution and child pornography

6. *Welcomes*:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1-2);

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its third session (E/CN.4/1997/97);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) The adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (see A/51/385);

7. *Calls upon* all States:

(a) To urgently develop, implement and enforce measures to eliminate the sale of children and their sexual exploitation, *inter alia* through child sex tourism and other forms of child prostitution and child pornography, including measures in line with the Vienna Declaration and Programme of Action and with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text;

(c) To criminalize effectively commercial and all other forms of sexual exploitation of children, while ensuring that child victims are not penalized for such practices, and to prosecute offenders, whether local or

foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to combating the existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate child victims of trafficking and all forms of sexual exploitation and abuse, and to promote their physical and psychological recovery and social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her for country visits;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the

relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The final report of the expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1), takes note with appreciation of the recommendations included therein, and requests the Secretary-General to ensure its wide dissemination;

(b) The recommendation by the General Assembly to the Secretary-General to appoint a special representative on the impact of armed conflict on children and to ensure the necessary support to the prospective special representative;

(c) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on its third session (E/CN.4/1997/96);

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict with the aim of an early agreement on the text;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims, and welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization as well as the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of land-mines and all other weapons, and victims of gender-based violence, inter alia, through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies to ensure access of humanitarian aid and assistance to children affected by armed conflicts;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to protect women and children from gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in conflict situations should emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, including in the areas of health and nutrition, education and social reintegration, in developing emergency and other humanitarian assistance policies and programmes and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:

(a) To request the Secretary-General to transmit the report of the working group on this draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the prospective special representative on the impact of armed conflict on children and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the prospective special representative to consider being present at the next session of the working group on a draft optional protocol on the involvement of children in armed conflict;

(b) To request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission in order to finalize the draft optional protocol;

(c) To request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations to

consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

15. Decides, with regard to the prospective special representative of the Secretary-General on the impact of armed conflict on children, to invite Member States, United Nations organs and bodies, the International Committee of the Red Cross as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the special representative, including his/her annual report;

V

Refugee and internally displaced children

16. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross;

(b) And United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

(c) And other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, stresses the special vulnerability of child-headed households and calls upon Governments and United Nations bodies to give these situations urgent attention and to enhance protection and assistance mechanisms;

(d) To involve women and youth in the design, delivery and monitoring of measures to protect them against sexual violence and recruitment of children into armed forces;

VI

Elimination of exploitation of child labour

17. Welcomes:

(a) Recent studies and reports by the United Nations Children's Fund and the International Labour Organization on child labour;

(b) The measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(c) The governmental initiatives to convene international conferences on various forms of child labour, such as the ones held in Amsterdam, the Netherlands, in February 1997 and in Arusha, United Republic of Tanzania, in March 1997 and the ones to be convened in Cartagena, Colombia, in May 1997 and in Oslo, Norway, in October 1997;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

18. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(b) To take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure their effective enforcement and to ensure the protection of children from economic

exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education, or harmful to the child's health or development;

(c) In line with international commitments made at the World Summit for Social Development and other relevant United Nations conferences, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

(d) To translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, starting with its most intolerable forms, and to implement, inter alia, national action plans, the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session in 1996 and other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

(e) To support the proposed drafting by the International Labour Organization of an instrument aimed at eradicating the most intolerable forms of child labour;

(f) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

(g) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, including attention to specific dangers faced by girls;

(h) To strengthen international cooperation, inter alia, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations

Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation o child labour;

19. Decides to request the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77, to cooperate closely wit relevant actors and United Nations specialized agencies, in particular the International Labour Organization and the Unit d Nations Children's Fund, in order to provide information on initiatives aimed at eliminating the exploitation of child labour and to recommend ways and means to improve cooperation a' the national and international levels in this field;

VII

The plight of street children

20. Calls upon :

(a) All States, while expressing grave concern at the growing number of incidents worldwide and at reports of children working or living on the street being involved in and affected by serious crime, drug abuse, violence and prostitution, to continue actively to seek comprehensive solutions to the problems of children on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

(b) All States to ensure the reintegration of street children into society and to provide, inter alia , adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect, and encourages States to take the situation of street children fully into account in preparing their reports to the Committee on the Rights of the Child;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of

children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted at the United Nations Conference on Human Settlements, held in Istanbul in June 1996;

VIII

21. Decides:

(a) To request the Secretary-General to follow up the recommendation by the General Assembly to appoint for a period of three years a special representative on the impact of armed conflict on children;

(b) Also to request the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention on the Rights of the Child;

(c) To continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Rights of the child".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.103
11 April 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 12

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

France: draft decision

1997/... Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

The Commission on Human Rights, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990, and taking note of the report of the Secretary-General submitted pursuant to Commission decision 1995/114 of 8 March 1995 (E/CN.4/1997/67), decided:

(a) To request States and intergovernmental, regional and non-governmental organizations to cooperate fully with the Secretary-General by providing him with any relevant information on the application of the guidelines;

(b) To request the Secretary-General to continue to ensure the implementation of the guidelines in the United Nations system;

(c) To request the Secretary-General to report to it at its fifty-fifth session:

(i) On the application of the guidelines within the United Nations system;

(ii) On information collected from States and intergovernmental, regional and non-governmental organizations concerning the follow-up to the guidelines at the national and regional levels.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.104
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Netherlands: proposed amendment to draft decision 4 proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Replace approves by defers a decision on.

2. After the Sub-Commission's request insert to the Economic and Social Council.

3. At the end insert, with a view to deciding whether the activity should be held under the Commission for Social Development or under the Commission on Human Rights.

- - - - -

GE.97-12135 (E)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.105
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Cuba: draft resolution

1997/... Restructuring and revitalization of the Commission on Human Rights

The Commission on Human Rights,

Bearing in mind the Vienna Declaration and Programme of Action, which recognized the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights for all people,

Mindful of General Assembly resolution 50/227 of 1 July 1996 in which the Assembly called upon the relevant intergovernmental bodies to fully implement measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

Concerned about the considerable increase in the workload, including the growing amount of documentation submitted to and the resolutions and decisions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

1. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights to consider the issues included in the annex to the present resolution and to submit specific proposals to the Commission at its fifty-fourth session;

2. Also decides to include in the provisional agenda of its fifty-fourth session an item entitled "Restructuring and revitalization of the Commission on Human Rights".

Annex

Issues to be considered by the open-ended inter-sessional working group

1. Duration of the annual session of the Commission,

2. Restructuring of the agenda:

   (a) Clustering of items,

   (b) Periodicity of the consideration of items.

3. Documentation to be considered by the Commission, inter alia:

   (a) Availability of Commission documents prior to the opening of the annual session;

   (b) Availability of background documentation;

   (c) Contributions by Member States governmental and inter-governmental observers and non-governmental organizations.

4. The Commission's methods of work:

   (a) Time-limits for statements by States members of the Commission, governmental and intergovernmental observers, and non-governmental organizations, guest speakers, special rapporteurs, experts, special representatives and chairmen rapporteurs;

   (b) Method for consultations during the session, including the allocation of time and venues for this purpose;

   (c) Participation of non-governmental organizations in the debate on the various substantive items of the agenda;

   (d) Review of the overall system of submission of reports, inter alia by the Secretary-General, the Commission's inter-sessional working groups and thematic and country special procedures.

5. Overall review of the special procedures system:

   (a) Special rapporteurs, special representatives and individual experts;

   (b) Working groups.

6. Review of staffing policy and overall support by the Secretariat to the Commission.

UNITED
NATIONS

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.106
11 April 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 12

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Afghanistan*, Angola*, Argentina, Belgium*, Georgia*, Italy, Madagascar, Poland*, Republic of Korea, Romania*, Spain* and San Marino*: draft resolution

1997/... Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fe and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure the functional commissions of the Economic and Social Council.

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolutions 1991/45 of 5 March 1991 and 1993/91 of 10 March 1993,

Referring to decision 1994/108 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 19 November 1996, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Biomedicine,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Takes note with satisfaction of the report of the Secretary-General (E/CN.4/1995/74);

2. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole;

3. Also invites Governments to inform the Secretary-General of legislative or other measures taken to this end;

4. Takes note of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics;

5. Draws the attention of Governments both to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole and to the need to safeguard the rights of the individual, including his identity and unity together with his dignity, and to the need to protect the confidentiality of genetic data concerning a named person;

6. Invites Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications; it also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

7. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect;

8. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-fifth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.107
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 22

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Argentina, Austria, Bolivia*, Bosnia and Herzegovina*, Cape Verde, Chile, Colombia, Cyprus*, Czech Republic, Denmark, Ethiopia, Finland*, France, Germany, Ghana*, Guatemala*, Haiti*, Hungary*, Ireland, Israel*, Italy, Lithuania*, Luxembourg*, Malta*, Mongolia*, Portugal*, Republic of Korea, Romania*, Slovakia*, Slovenia*, Sweden*, the former Yugoslav Republic of Macedonia*, Ukraine, Uruguay: draft resolution

1997/... Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, as well as its resolution 1994/95 of 9 March 1994, in which the Commission decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the organization,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Noting that the High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of

cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling its resolution 1996/78 of 23 April 1996, as well as Economic and Social Council decision 1996/283 of 24 July 1996,

Having considered the report of the High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1), in particular chapter VIII, entitled "1998 - Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

3. Calls upon all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the Conference;

4. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests the High Commissioner for Human Rights, the General Assembly and the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. Requests the High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

8. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner, in particular in the context of the preparations for the 1998 five-year review;

9. Takes note of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

10. Calls upon all States to contribute actively to the preparations of the 1998 five-year review;

11. Welcomes the inter-agency coordination of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations of the 1998 five-year review, and calls upon them to contribute actively to this process;

12. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

13. Welcomes and supports Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

14. Requests the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the 1998 five-year review;

15. Decides to consider this question at its fifty-fourth session, under the agenda item entitled "Follow-up to the World Conference on Human Rights".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.108
14 April 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

France: proposed sub-amendment to the amendment proposed in document E/CN.4/1997/L.99

Amend the proposed new preambular paragraph as follows:

1. Delete "corresponding to the international legal obligations entered into by each State";

2. Add at the end of the text proposed:

"provided that it complies with the relevant international standards set forth in the Universal Declaration of Human Rights and the relevant international legal instruments it has accepted".